

06-20-00 ✓

A

06/19/00  
Jc833 U.S. PTO

PATENT  
454313-2200.1

Jc833 U.S. PTO  
09/596479

06/19/00

Patent Application Transmittal  
(only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Correspondence Address:  
FROMMER LAWRENCE & HAUG LLP  
745 FIFTH AVENUE  
NEW YORK, NEW YORK 10151  
TEL: (212) 588-0800  
FAX: (212) 588-0500

# 3/a  
py  
2.21.02

Date: June 19, 2000  
Attorney Docket No.: 454313-2200.1

ASSISTANT COMMISSIONER FOR PATENTS  
Box Patent Application  
Washington, D.C. 20231

Sir:

With reference to the filing in the United States Patent and Trademark Office of an application for patent in the name(s) of:

JEAN-CHRISOPHE AUDONNET and PHILIPPE BAUDU

entitled:

**CANINE HERPESVIRUS BASED RECOMBINANT LIVE VACCINE, IN PARTICULAR AGAINST CANINE DISTEMPER, RABIES OR THE PARAINFLUENZA 2 VIRUS**

X Continuing Application

   Continuation X Divisional    Continuation-in-Part (CIP)  
of prior application serial no. 09/213,053, filed December 16, 1998, which is a continuation of PCT/FR97/0115, filed June 23, 1997.

[Note: If priority under 35 U.S.C. 120 involves a series of respectively copending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

X The prior application is assigned of record to MERIAL.

   This is an application of a small entity under 37 CFR 1.9(f) and the amounts shown in parentheses below have been employed in calculating the fee:

- ☐ Small Entity Verified Statement(s) is (are) enclosed.  
☐ Small Entity Verified Statement(s) filed in prior application, status still proper and desired

The following are enclosed:

- ☒ Specification (23 pages)  
☒ 26 Sheet(s) of Drawings (Figs 1, 1 continued, 1 continued, 2-15))  
☒ 16 Claim(s) (pages 24-25)

- ☐ This application contains a multiple dependent claim (see Preliminary Amendment herewith)

- ☒ Our check for \$690.00, calculated on the basis of the claims as amended by any enclosed preliminary amendment as follows:

Basic Fee, \$690.00 (\$345.00):	\$690.00
Number of Claims in excess of 20 at \$18.00 (\$9.00) each:	\$
Number of Independent Claims in excess of 3 at \$78.00 (\$39.00) each:	\$ .00
Multiple Dependent Claim Fee at \$260.00 (\$130.00):	\$
Total Filing Fee:	\$ .00

- ☐ Assignment Recording Fee \$40.00:

- ☒ TOTAL: \$690.00

- ☐ This application is being filed within the \_\_\_ month following the expiration of the term originally set therefor in the prior application. This is a petition to request a -month extension of time. A check covering the cost of the petition is enclosed.

- ☒ Oath or Declaration and Power of Attorney

☐ New ☐ signed ☐ unsigned

- ☒ Copy from a prior application (37 C.F.R. 1.63(d)) (See also Preliminary Amendment)

Deletion of Inventors

- ☐ Signed Statement attached deleting inventor(s) named in the prior application (37 C.F.R. 1.63(d)(2) and 1.33(b))

Power of Attorney or Correspondence Address Change

☒ Power of attorney and/or correspondence address was changed during prosecution of the prior application. The power of attorney is to **THOMAS J. KOWALSKI, REG. NO. 32,147**. The new correspondence address is indicated above.

☐ Signed Statement attached deleting inventor(s) named in the prior application (37 C.F.R. 1.63(d)(2) and 1.33(b))

☒ Incorporation by Reference (for continuation or divisional application)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☒ A Preliminary Amendment is as follows.

Page 1, underneath the Title, please insert:

--This application is a divisional of U.S. application Serial No. 09/13,053, filed December 16, 1998, which is a continuation of PCT/FR97/01115, filed June 23, 1997.--

Prior to examination and fee calculation, please amend the application as follows:

☐ New formal drawings are enclosed.

☒ Certified copy of each foreign priority application on which the claim for priority under 35 U.S.C. 119 is based was filed in prior U.S. applications serial nos.

**PATENT**  
**454313-2200.1**

Application No.  
0608242

Filed  
6/27/96

In  
France

Please charge any additional fees required for the filing of this application or credit any overpayment to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant(s)

By: 

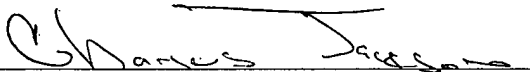
THOMAS J. KOWALSKI, ESQ.  
Reg. No. 32,147

EXPRESS MAIL

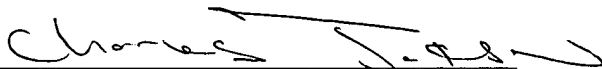
Mailing Label Number: EL560675905US

Date of Deposit: June 19, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)